

BEFORE THE FEDERAL ELECTION COMMISSION 2013 MAR -5 AM 9: 51

In the Matter of)

MUR 6682)

Rufus Holt Craig, Jr.)

DISMISSAL AND CELA
CASE CLOSURE UNDER THE
ENFORCEMENT PRIORITY
SYSTEM.

GENERAL COUNSEL'S REPORT

Under the Enforcement Priority System, the Commission uses formal scoring criteria as a basis to allocate its resources and decide which matters to pursue. These criteria include without limitation an assessment of the following factors: (1) the gravity of the alleged violation, taking into account both the type of activity and the amount in violation; (2) the apparent impact the alleged violation may have had on the electoral process; (3) the complexity of the legal issues raised in the matter; and (4) recent trends in potential violations of the Federal Election Campaign Act of 1971, as amended (the "Act"), and developments of the law. It is the Commission's policy that pursuing relatively low-rated matters on the Enforcement docket warrants the exercise of its prosecutorial discretion to dismiss cases under certain circumstances.

The Office of General Counsel has determined that MUR 6682 should not be referred to the Alternative Dispute Resolution Office. Also, for the reasons set forth below, the Office of General Counsel recommends that the Commission exercise its prosecutorial discretion to dismiss MUR 6682.¹

In this matter, the Complainant, Bryan Grant Jeansonne, alleges that Rufus Holt Craig, Jr. failed to include a "paid for" disclaimer on his yard signs distributed throughout Louisiana's 6th

¹ The EPS rating information is as follows:
Filed: December 26, 2012.

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1 congressional district.² According to the Complaint, "campaign materials" must state "who paid
2 for such materials," and that Craig's "failure" to include that information appears to be a
3 violation of the Act and Commission regulations. Compl. at 1. The Complaint includes a
4 photograph of what appears to be a Craig yard sign, which includes the text "RUFUS CRAIG,
5 CONGRESS, VOTERUFUSCRAIG.COM," but does not include a disclaimer stating who paid
6 for and authorized the sign. *Id.* at 2.

7 In response, Craig acknowledges that he "failed to place the appropriate 'paid for'
8 language on [his] yard signs," and states that "it was not an intentional act," but rather the result
9 of his "failure to familiarize [himself] with the regulations for political campaign signs."³ Resp.
10 at 1. Craig did not register with the Commission as a federal candidate and did not file a
11 Statement of Organization or any disclosure reports during the 2012 election cycle.⁴

12 Whenever any person "makes a disbursement for the purpose of financing
13 communications expressly advocating the election or defeat of a clearly identified candidate," he
14 or she must affix an appropriate disclaimer to the communication. 2 U.S.C. § 441d(a); *see also*

² Craig was an unsuccessful candidate on the Louisiana ballot for the 2012 general election. He was also an unsuccessful candidate for the same congressional district in 2004. The 2004 committee was administratively terminated on May 19, 2006.

³ Although Craig's response does not allude to his campaign website, his website displayed on the yard sign, <http://www.voterufuscraig.com/>, bears the disclaimer, "Paid for by Rufus H. Craig" (last visited February 14, 2013). The website does not reveal the existence of a political committee, but does give potential donors the opportunity to contribute to Craig's candidacy through a link.

⁴ A news article dated November 2, 2012, available through Craig's website, states that "he raised more than \$4,000 initially" for the 2012 election, and was "getting signs" and "working grass-roots campaigns" <http://www.voterufuscraig.com/post/2012/10/the-advocate-covers-rufus-craigs-campaign-for-congress.html> (last visited February 14, 2013). As noted, Mr. Craig did not file a Statement of Candidacy pursuant to 2 U.S.C. § 432(e), and there is insufficient information to determine whether Craig was a candidate under 2 U.S.C. § 431(2) and required to form a political committee by filing a Statement of Organization, as required under 2 U.S.C. 433(a).

1 11 C.F.R. § 110.11(a).⁵ Yard signs are a form of communication that requires a disclaimer. In
2 this matter, the Respondent's signs include an individual's name, "Congress," and
3 "VOTERUFUSCRAIG," which is part of the webpage listing. Thus, the yard signs would
4 expressly advocate for the election of a federal candidate, if Rufus Craig were a federal
5 candidate. See 11 C.F.R. § 100.22(a). It is not clear, however, that Rufus Craig satisfied the
6 Act's definition of "candidate" because we cannot be certain he received over \$5,000 in
7 contributions or made over \$5,000 in expenditures.

8 In assessing the potential magnitude of the activity at issue, the Office of General
9 Counsel notes that since Craig may not have exceeded the \$5,000 filing threshold for either
10 contributions or expenditures, the amount of funds he may have used to create and distribute the
11 yard signs was likely minimal. Moreover, members of the public who viewed the yard signs
12 were unlikely to have been misled as to who paid for the signs, given that the signs show the
13 candidate's website, which in turn bears the disclaimer, "Paid for by Rufus H. Craig." See n. 3.

14 Based on the facts presented, the response, and publicly available information, it does not
15 appear that Craig was a candidate under the Act. Further, because of the low amounts presented
16 in the Complaint, we do not believe further Commission resources are warranted to determine
17 with certainty whether Craig was a candidate for federal office. Therefore, the Office of General
18 Counsel recommends that the Commission dismiss this matter pursuant to its prosecutorial
19 discretion under *Heckler v. Chaney*, 470 U.S. 821 (1985). Additionally, the Office of General

⁵ All public communications made by a political committee and those that expressly advocate the election of a clearly identified federal candidate require disclaimers. 11 C.F.R. § 110.11(a)(1). Yard signs are not specifically mentioned in the definition of public communication at 11 C.F.R. §§ 100.26 or 110.11(a), but appear to be included in "any other form of general public political advertising" referenced in section 100.26. This conclusion is supported by the Commission's specific reference to "signs" in a listing of printed public communications in 11 C.F.R. § 110.11(c)(2)(i).

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Counsel recommends reminding the candidate to include the appropriate disclaimers as required by 2 U.S.C. § 441d(a) and 11 C.F.R. § 110.11(a).

RECOMMENDATIONS

1. Dismiss MUR 6682, pursuant to the Commission's prosecutorial discretion;
2. Remind Rufus Holt Craig, Jr., of the disclaimer provisions contained in 2 U.S.C. § 441d(a) and 11 C.F.R. § 110.11(a);
3. Approve the attached Factual & Legal Analysis and the appropriate letter; and
4. Close the file.

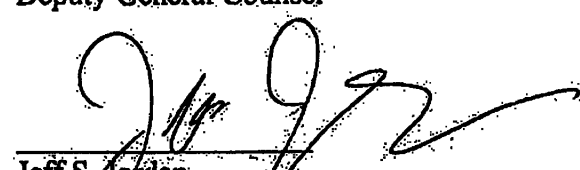
Anthony Herman
General Counsel

Date

3/4/13

BY:


Gregory R. Baker
Deputy General Counsel


Jeff S. Jordan
Supervisory Attorney
Complaints Examination
& Legal Administration

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